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In the United States Patent and Trademark Office

Appeal No: 2005-0378

Serial No: 09/232,566

Confirm No: 1686

Appn Filed: 01/15/99

Applicant: Rolf Jansen

Appn Title: Tractor/Trailer Back-up Kit

Examiner/GAU: Tung Vo/2621

Technology Center: 2600

Best Available Copy

Mailed: 11/03/06

At: Houston, Texas

SUBMITTAL OF
REPLY BRIEF TO EXAMINER'S RESPONSE TO
AMENDED 2ND SUPPLEMENTAL APPEAL BRIEF

Sir:

The appellant, Rolf Jansen, pro se, herewith files Reply Brief to Examiner's Response to Amended 2nd Supplemental Appeal Brief, in triplicate, in accordance with 37 CFR Sect 41.41. Appellant submits check for \$250.00, the small entity fee for filing a brief.

Very respectfully,

Rolf Jansen

Rolf Jansen, appellant, pro se

P.O. Box 73161

Houston, TX 77273-3161

Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 11/03/06

Rolf Jansen

Rolf Jansen, appellant, pro se



In the United States Patent and Trademark Office

Appeal No: 2005-0378
Serial No: 09/232,566
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REPLY BRIEF TO EXAMINER'S RESPONSE TO
AMENDED 2ND SUPPLEMENTAL APPEAL BRIEF

Applicant/appellant, Rolf Jansen, pro se, wishes to inform the Board of Patent Appeals and Interferences of the following:

BACKGROUND

Petition to Make Special, for reason IV-Applicant is over 65 years of age, was granted 09/27/04, by the Director Office, Technology Center 2600. Applicant/appellant is now age 73. Copy of the Decision on Petition (3 pages) is attached in the Related Proceedings Appendix.

On 02/08/05, the Board of Patent Appeals and Interferences mailed the Decision on Appeal that stated: "The decision of the examiner to reject claims 3 and 4 is reversed." Copy of the Board's Decision (9 pages) is attached in the Related Proceedings Appendix.

On 06/22/05, the examiner mailed a new Office Action that reopened prosecution and that again rejected claims 3 and 4. Claim 3 was rejected on Section 103 grounds, and claim 4 was rejected on Section 112 grounds of 35 U.S.C. Copy of the Office Action (7 pages) is attached in the Evidence Appendix.

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On 09/03/05, the appellant mailed a Request for Reinstatement of the Appeal and filed a brief, in accordance with 37 CFR Section 1.193(b)(2)(ii), which was the relevant regulation controlling the appellant's response to the Office Action, mailed 06/22/05. Copy of the Request for Reinstatement of the Appeal (2 pages) is attached in the Exhibits Appendix.

On 06/16/06, the examiner mailed a Notification of Non-Compliant Appeal Brief (37 CFR Section 41.37). A copy (2 pages) is attached in the Evidence Appendix. On 07/12/06, the appellant mailed his Amended 2nd Supplemental Appeal Brief, that was received by the PTO on 07/17/06.

In the examiner's response to the appellant's Amended 2nd Supplemental Appeal Brief, he allowed claim 3 but amended claim 4 before allowing it. Copy of the examiner's response, mailed 09/15/06, including Examiner's Amendment, (total of 6 pages) is attached in the Evidence Appendix.

The amendment limits the claim to a license plate. This limitation takes away the other embodiments that are clearly stated in the specification. The appellant will point these out in the Argument section of this Reply Brief. When the appellant loses the other embodiments, someone else can easily employ one or more of them to evade the claim.

The appellant does not accept the Examiner's Amendment of claim 4. He, therefore, submitted on 10/26/06 a Petition to Withdraw An Application From Issue, in accordance with 37 CFR Section 1.313(a). Appellant has not paid the utility issue fee. Because he seeks one patent containing claims 3 and 4, appellant's Petition to Withdraw An Application From Issue

perains to both claims. Copy of the submittal letter
(1 page) to the Petition is attached in the Related Proceed-
ings Appendix.

The Examiner's Amendment of claim 4, mailed 09/15/06,
continues his rejection of the wording of claim 4, first
begun in the Office Action, of 06/22/05, to which the ap-
pellant responded by requesting reinstatement of the appeal
and submitting his brief.

The proper procedure now is for the appellant to submit
a reply brief to continue the appeal to the Board of Patent
Appeals and Interferences.

In writing this brief the appellant, pro se, relies upon
that part of 37 CFR Section 41.37(c)(1) that states "that a
brief filed by an appellant who is not represented by a
registered practitioner need only substantially comply with
paragraphs (c)(1)(i) through (c)(1)(iv) and (c)(1)(vii)
through (c)(1)(x) of this section."

The appellant attaches in the Exhibit Appendix a copy of
37 CFR Section 41.37 Appeal Brief and Section 41.41 Reply
Brief.

I

REAL PARTY IN INTEREST

The real party in interest is the named applicant/appel-
lant, Rolf Jansen.

II

RELATED APPEALS AND INTERFERENCES

An appeal, identified by Appeal No. 2005-0378, concerning
appellant, Rolf Jansen, pro se, and same application number,
09/232,566, was decided by the Board of Patent Appeals and

Interferences, with Decision on Appeal, mailed 02/08/05,
that stated:

"The decision of the examiner to reject claims 3 and 4
is reversed."

In one other proceeding, a Decision on Petition, by the
Director Office, Technology Center 2600, Communications, was
mailed 09/27/04, (Paper No. 18), in re Application of
Rolf Jansen, Application No. 09/232,566.

The Decision on Petition was in regard to two petitions by
the applicant/appellant. One was a Petition to Make Special,
for reason IV-Applicant is over 65 years of age. Said Decision
granted the Petition to Make Special.

The other was a Petition to the Director pursuant to
37 CFR Sect 1.181, filed 10/12/01, to complain of unfair con-
duct of the examiner, with respect to the format of the
appellant's brief.

The Decision on Petition stated on page 3, paragraph 4,
that the appellant's brief substantially meets the require-
ment of 37 CFR Sect 1.192(c)(1,2, and 8) as defined by MPEP
1206 concerning Pro Se appellants. In the paragraph that
follows, said Decision on Petition states:

"Consequently, the Notice of Non-Compliance mailed
September 20, 2001, requiring the pro se appellant to comply
with all the requirements of 37 CFR Sect 1.192(c), was
improper."

Copy of the Decision on Appeal and the Decision on Petition
are attached in the Related Proceedings Appendix. There are
no interferences related to the present case.

However, there is the appellant's Petition to Withdraw An Application From Issue, mailed 10/26/06, that is pending before the Director Office, Technology Center 2600. Copy of the submittal letter to said Petition is attached in the Related Proceedings Appendix.

III

STATUS OF CLAIMS

In the Office Action, mailed 06/22/05, claim 3 was again rejected on Section 103 grounds of 35 U.S.C. Claim 4 was rejected again but for the first time on Section 112 grounds of 35 U.S.C.

In the examiner's response to the Amended 2nd Supplemental Brief, he allowed claim 3 but amended claim 4 before allowing it. The appellant does not accept the Examiner's Amendment of claim 4, mailed 09/15/06, because the amendment takes away the embodiments clearly stated in the specification, on page 36, lines 10-13.

Because he seeks one patent containing claims 3 and 4, appellant's Petition to Withdraw An Application From Issue pertains to both claims.

So, what the appellant is seeking from the Board of Patent Appeals and Interferences is a reversal of the examiner's rejection of claim 4 and an order to the examiner to allow claim 4 and claim 3 as written in the Claims Appendix.

IV

STATUS OF AMENDMENTS

The applicant/appellant, Rolf Jansen, pro se, states that no amendment to any claim has been made by him subsequent to

final rejection of all claims. Said final rejection came in the Office Action, mailed 01/29/01.

However, on 09/15/06, the examiner made an Examiner's Amendment of claim 4, in the examiner's response to the Amended 2nd Supplemental Appeal Brief. The Examiner's Amendment of claim 4 is being contested in this Reply Brief and by the appellant's Petition to Withdraw An Application from Issue.

V

SUMMARY OF CLAIMED SUBJECT MATTER

37 CFR Sect 41.37(c)(1) does not require an appellant who is not represented by a registered practitioner to answer this segment.

VI

GROUND OF REJECTION TO BE REVIEWED

37 CFR Sect 41.37(c)(1) does not require an appellant who is not represented by a registered practitioner to answer this. The appellant has never been represented by a registered practitioner.

VII

ARGUMENT

Clarifying What is Still At Issue

To clarify what is still at issue, appellant gives these quotes from the examiner's response to the Amended 2nd Supplemental Appeal Brief:

From page 1 of Notice of Allowance and Fee(s) Dues, mailed 09/15/06:

"Prosecution on the merits is closed."

From page 2 of the Notice of Allowability. Said page is titled, EXAMINER'S AMENDMENT. (Note: Examiner's response to Amended 2nd Supplemental Appeal Brief consists of 6 pages made of two 3 page parts, of which the date, 09/15/06, appears only on page 1 of the 6 pages.):

"1. An examiner's amendment to the record appears below....

The application as been amended as follows:

Claim 3 (sic), line 3, after "side of" delete "a plate
such as" and after "license plate" delete ",";

line 8, after "located in" delete "the ideal" insert "a".

"2. Claims 3 and 4 allowed. Which were renumbered as 1-2,
respectfully.

"3. The following is an examiner's statement of reasons
for allowance:

The prior art of records does not particularly teach an assembly of a camcorder-type liquid crystal display monitor, comprising means for mounting said assembly to the inner retracted side of a driver's sunvisor of a motor vehicle, whereby said sunvisor, when lowered, allows a driver easy, direct, close-range, sunlight-protected viewing of said monitor screen, as if the screen were a rear-view mirror, when used in conjunction with a video camera, to see to the rear when the unaided view is obstructed as specified in claim 3, and an assembly of a micro-video, pin-holed lens camera, comprising means for mounting said assembly on the reverse side of a license plate, at the rear of a trailer or motor vehicle, so that said camera can see through a predetermined-sized hole put in said

plate, whereby said plate-mounted assembly conceals said pin-holed lens camera to lessen the risk of vandalism, whereby said camera is located in a position at the rear of a trailer or motor vehicle for viewing a backing, when used in conjunction with a monitor as specified in claim 4."

The amended claim 4 can be compared with the claim 4 found in the Claims Appendix. The amended version limits the claim to a license plate, therefore, taking away the other embodiments stated in the specification.

The Examiner's Amendment is not accompanied by words that explain the reason(s) for amending claim 4. The appellant asserts that the reason(s) are those stated in the Office Action, of 06/22/05.

Examiner's Reasons For Rejecting Claim 4

Here is what the examiner said in the Office Action, of 06/22/05, in rejecting claim 4: (Copy of the Office Action is attached in the Evidence Appendix.)

"2. The following is a quotation of the second paragraph of U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

"3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"4. Regarding claim 4, line 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP Section 2173.05(d).

"Claim 4, Line 8, "the ideal position" is indefinite. It is not clear that which position of the camera is mounted. Appropriation correction is required.

"7. Claim 4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in the Office Action."

What MPEP Says

The appellant quotes from Manual of Patent Examining Procedure, Section 2173.02, on page 2100-206. Copy is attached in the Exhibits Appendix at the end of this brief. This is not a new reference. It was used as Exhibit 10 in the Amended 2nd Supplemental Appeal Brief. Quotation begins at line 12:

"The mere use of the phrase "such as" in the claim does not by itself render the claim indefinite. Office policy is not to employ per se rules to make technical rejections. Examples of claim language which have been held to be indefinite set forth in MPEP Section 2173.05(d) are fact specific and should not be applied as per se rules. The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification."

Cited case is Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).

What the appellant is going to do is give some quotes from the specification, then state the appellant's version of claim 4. The question will then be: Would those skilled in the art understand what is claimed when the claim is read in light of the specification?

Copies of pages from the specification, including pages 35, 36, 14, and 31, are attached in the Exhibits Appendix at the end of this brief.

1. Quoting from page 35, the last paragraph, and continuing at the top of page 36:

"While my above description contains many specificities, these should not be construed as limitations on the scope of the invention, but rather as an exemplification of one preferred embodiment thereof. Many other variations are possible. For example:"

2. Continuing to quote from page 36, beginning at line 10:

"The rear plate, to which the enclosure for the micro-video, pin-holed lens camera is mounted, need not be a license plate but could be a plate with a company logo on it, or with a phrase on it, such as Drive Safely."

3. Continuing to quote from page 36, beginning at the last paragraph, at line 25:

"Accordingly, the scope of the invention should be determined not by the embodiment(s) illustrated, but by the appended claims and their legal equivalents."

4. Appellant now turns to page 14 of the specification and quotes, beginning at line 17:

"My idea is to mount this enclosure, with the micro-video, pin-holed lens camera inside, to the reverse side of a plate, such as a license plate, located at the back of a box trailer, just beneath the bed of the trailer, in perfect position for the micro-video, pin-holed lens camera to view a backing to a loading dock. A predetermined-sized hole would be put in the plate, so the pin-holed lens could see through.

"The result is concealment of the video camera at the most advantageous height off the ground."

5. The last quote will come from page 31, beginning at line 11:

"Ideally, the plate should be mounted in the middle at the rear of the motor vehicle, or trailer, which is the place where the plate, such as a license plate, is most commonly mounted just under the bed of the trailer, at the rear. Here it is protected from rain and direct sunlight. Also, its ordinary placement will not alert potential vandals that there is anything unusual, or special, about the plate."

Here is the appellant's version of claim 4:

"4. An assembly of a micro-video, pin-holed lens camera, comprising means for mounting said assembly on the reverse side of a plate, such as a license plate, at the rear of a trailer or motor vehicle, so that said camera can see through a predetermined-sized hole put in said plate,

whereby said plate-mounted assembly conceals said pin-holed lens camera to lessen the risks of vandalism,

whereby said camera is located in the ideal position at the rear of a trailer or motor vehicle for viewing a backing, when used in conjunction with a monitor.

Here is the last sentence from the quote given from the Manual of Patent Examining Procedure, Section 2173.02, on page 2100-199 (copy attached

"The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification."

The appellant asserts that those skilled in the art would understand claim 4 when the claim is read in light of the specification.

Additional Argument

The phrase "such as a license plate" is meant to point out that "license plate" is one particular embodiment, and that the major word is "plate", that can enable other embodiments described on page 36, lines 10-13, of the specification.

The phrase, "whereby said camera is located at the ideal position at the rear of a trailer or motor vehicle for viewing a backing," refers to a position that is best, based on objective, logical criteria, which are described in the specification, page 14, beginning at line 17, and page 31, beginning at line 11.

The described criteria of the ideal position are:

- (1) "just beneath the bed of the trailer,"
- (2) "at the most advantageous height off the ground"
- (3) "Ideally, the plate should be mounted in the middle
at the rear of the motor vehicle, or trailer,"
- (4) "mounted just under the bed of the trailer, at the
rear. Here it is protected from rain and direct
sunlight."

Further, if one were to ask those skilled in the art where the ideal position is located, the appellant asserts that they would say in the middle at the rear of a trailer, and just under the bed of the trailer.

Summary Argument

In the Amended 2nd Supplemental Appeal Brief, mailed 07/12/06, the appellant declined to accept the examiner's offer to allow claim 4 if the applicant/appellant made changes required by the examiner. These would limit the claim to a license plate.

The Examiner's Amendment, of 09/15/06, made the changes that the appellant refused to make. The changes take away the other embodiments clearly stated in the specification, page 36, lines 10-13. When the appellant loses the other embodiments, someone else can easily employ one or more of them to evade the claim.

The examiner issued three previous Office Actions, dating back to the year 2000, and never objected to the words to

which he now objects. An inference can be drawn that the words are not objectionable; otherwise, the examiner would have objected to them before 06/22/-5.

WHEREFORE, based on the evidence and argument presented herewith, the appellant very respectfully requests that the Board of Patent Appeals and Interferences:

1. Reverse the examiner's rejection of claim 4 and order the examiner to immediately allow claims 3 and 4 as written in the Claims Appendix.

The appellant also requests general relief.

Very respectfully,

Rolf Jansen

Rolf Jansen

Appellant, pro se

P.O. Box 73161

Houston, Texas 77273-3161

281-440-6907

CLAIMS APPENDIX

Appellant's claims are:

3. An assembly of a camcorder-type liquid crystal display monitor, comprising means for mounting said assembly to the inner retracted side of a driver's sunvisor of a motor vehicle,

whereby said sunvisor, when lowered, allows a driver easy, direct, close-range, sunlight-protected viewing of said monitor screen, as if the screen were a rear-view mirror, when used in conjunction with a video camera, to see to the rear when the unaided view is obstructed.

4. An assembly of a micro-video, pin-holed lens camera, comprising means for mounting said assembly on the reverse side of a plate, such as a license plate, at the rear of a trailer or motor vehicle, so that said camera can see through a predetermined-sized hole put in said plate, whereby said plate-mounted assembly conceals said pin-holed lens camera to lessen the risk of vandalism, whereby said camera is located in the ideal position at the rear of a trailer or motor vehicle for viewing a backing, when used in conjunction with a monitor.

EVIDENCE APPENDIX

The following are attached in this appendix:

1. Notice of Allowance and Fee(s) Due, mailed 09/15/06 --
(6 pages in two 3 page parts. Evidence discussed on
pages 6 and 7 of the reply brief is found on page 1
of the first part and on page 2 of the second part.)
2. Office Action, mailed 06/22/05 -- (7 pages. Evidence
discussed on pages 8 and 9 of the reply brief is
found on pages 2 and 4 of the Office Action.)
3. Notice of Non-Compliant Appeal Brief, mailed 06/16/06 --
(2 pages)

RELATED PROCEEDINGS APPENDIX

The following are attached in this appendix:

1. Decision on Appeal, mailed 02/08/05 -- (9 pages)
2. Decision on Petition, mailed 09/27/04 -- (3 pages)
3. Submittal letter to Petition To Withdraw An Application
From Issue, mailed 10/26/06 -- (1 page)



EXHIBITS APPENDIX

Note: The language of 37 CFR Section 41.37(c)(1)(ix), regarding Evidence appendix, does not mention documents written by the appellant or sections of MPEP or 37 CFR that are relevant; so these are included in an Exhibits appendix at the end of this brief.

1. Manual of Patent Examining Procedure (MPEP), Section 2173.02, on page 2100-206, beginning at line 12.
(3 pages included)
2. Seven pages from the applicant/appellant's specification, filed 01/15/99, including pages 35, 36, 14, and 31.
3. 37 CFR Section 41.37 Appeal Brief and Section 41.41 Reply Brief -- (3 pages)
4. Request for Reinstatement of the Appeal, mailed 09/03/05 -- (2 pages)

Verification

Appellant, Rolf Jansen, pro se, hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001^a of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Rolf Jansen

Rolf Jansen

Appellant, pro se

Date of signature: 11/03/06

Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 11/03/06

Rolf Jansen

Rolf Jansen

Appellant, pro se



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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov



NOTICE OF ALLOWANCE AND FEE(S) DUE

09/15/2006

ROLF JANSEN
P O BOX 73161
HOUSTON, TX 77273

EXAMINER

VO, TUNG T

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 09/15/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,566	01/15/1999	ROLF JANSEN		1686

TITLE OF INVENTION: TRACTOR/TRAILER BACK UP KIT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$0	\$700	12/15/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON MOTION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b"

Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

All communications regarding this application must give the application number. Please direct all communications prior to issuance to the Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

09/15/2006

**ROLF JANSEN
P O BOX 73161
HOUSTON, TX 77273**



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,566	01/15/1999	ROLF JANSEN		1686

TITLE OF INVENTION: TRACTOR/TRAILER BACK UP KIT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$0	\$700	12/15/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
VO, TUNG T	2621	348-151000

Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

3a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

A collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,566	01/15/1999	ROLF JANSEN		1686

7590

09/15/2006

ROLF JANSEN
P O BOX 73161
HOUSTON, TX 77273

EXAMINER

VO, TUNG T

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 09/15/2006

Determination of Patent Term Extension under 35 U.S.C. 154 (b) (application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 982 day(s). Any patent to issue from the above-identified application will include an indication of the 982 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that terminates Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.



Notice of Allowability

Application No.	Applicant(s)	
09/232,566	JANSEN, ROLF	
Examiner	Art Unit	
Tung Vo	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the second supplemental appeal brief filed 07/17/2006.
2. ☒ The allowed claim(s) is/are 3 and 4 (which were renumbered as 1-2, respectfully).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 3, line 3, after "side of" delete "a plate such as" and after "license plate" delete
",",

line 8, after "located in" delete "the ideal" insert "a".

2. Claims 3 and 4 allowed. Which were renumbered as 1-2, respectfully.
3. The following is an examiner's statement of reasons for allowance:

The prior art of records does not particularly teach an assembly of a camcorder-type liquid crystal display monitor, comprising means for mounting said assembly to the inner retracted side of a driver's sunvisor of a motor vehicle, whereby said sunvisor, when lowered, allows a driver easy, direct, close-range, sunlight-protected viewing of said monitor screen, as if the screen were a rear-view mirror, when used in conjunction with a video camera, to see to the rear when the unaided view is obstructed as specified in claim 3, and an assembly of a micro-video, pin-holed lens camera, comprising means for mounting said assembly on the reverse side of a license plate, at the rear of a trailer or motor vehicle, so that said camera can see through a predetermined-sized hole put in said plate, whereby said plate-mounted assembly conceals said pin-holed lens camera to lessen the risk of vandalism, whereby said camera is located in a

Art Unit: 2621


position at the rear of a trailer or motor vehicle for viewing a backing, when used in conjunction with a monitor as specified in claim 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Tung Vo
Primary Examiner
Art Unit 2621



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/232,566	01/15/1999	ROLF JANSEN		1686

7590
ROLF JANSEN
P O BOX 73161
HOUSTON, TX 77273

06/22/2005



EXAMINER

VO, TUNG T

ART UNIT PAPER NUMBER

2613

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

09/232,566

Applicant(s)

JANSEN, ROLF

Examiner

Tung Vo

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. In view of the newly discovered references, DE 33 16 818, US 6,259,475, and US 6,172,600, PROSECUTION IS HEREBY REOPENED.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 4, line 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 4, line 8, "the ideal position" is indefinite. It is not clear that which position of the camera is mounted. Appropriation correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in; section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2613

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hans-Hellmut Ernst (DE 33 16 818) in view of Lee (US 5,680,123).

Re claim 3, Ernst teaches an assembly of a camcorder-type crystal display monitor (elements 1-8 of the figure), comprising means (element 7 of figure) for mounting said assembly (elements 1-6 and 8 of the figure) to the inner retracted side of a driver's sun-visor (see the translation of DE 33 16 818, page 4 lines 1-10) a motor vehicle, whereby said sun-visor, when lowered, allows a driver easy, direct, close-range, sunlight-protected viewing of said monitor screen (see the translation of DE 33 16 818, page 4, line 19, page 5, line 2), as if the screen were a rear-view mirror (element 2 of the figure), when used in conjunction with a video phone (element 11 of the figure). Ernst further suggests means of connecting socket (element 6 of the figure) earphones (element 9 of the figure), game-pilot lever 11 or external devices can be connected to provide video telephone signal to the display (element 2 of the figure).

It is noted that Ernst does not particularly teach the screen display, when used in conjunction with a video camera to see to the rear when unaided view is obstructed as claimed.

However, Lee teaches video cameras (62, 64, and 66 of fig. 5), a third video camera (66 of fig. 6) mounted on a rear the vehicle to view an object present in the rear region of the vehicle (C fig. 1a), wherein the rear image is transmitted to a display monitor placed in the front of the vehicle for a driver viewing (74 of fig. 5), so this suggests the screen display, when used in conjunction with a video camera to see to the rear when unaided view is obstructed.

Therefore, taking the teachings of Ernst and Lee as a whole, it would have been obvious to one of ordinary skill in the art to modify the video cameras (62, 64, and 66 of fig. 6) of Lee into the assembly of the camcorder-type crystal display monitor of Ernst to detect and display objects not readily visible to the vehicle operator.

Doing so would allow the driver to view the hidden object captured by the camera without turning his or her head in the blind spot.

Allowable Subject Matter

7. Claim 4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

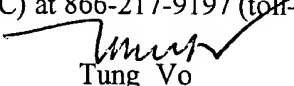
Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

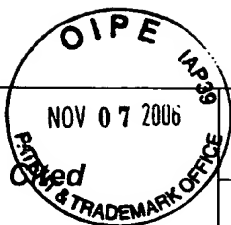
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tung Vo
Primary Examiner
Art Unit 2613


ACTING DIRECTOR
TC 2600

**Notice of References Cited**

Application/Control No.

09/232,566

Applicant(s)/Patent Under
Reexamination
JANSEN, ROLF

Examiner

Tung Vo

Art Unit

2613

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,259,475 B1	07-2001	Ramachandran et al.	348/148
	B	US-6,172,600 B1	01-2001	Kakinami et al.	340/435
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	DE 3316818	11-1984	GERMAN	Ernst	B60J 3/00
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

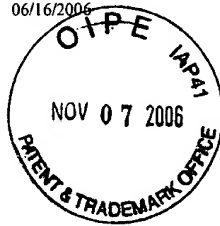


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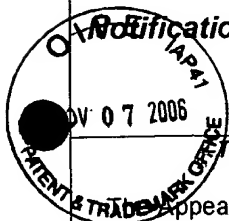


EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**


Application No.	Applicant(s)	
09/232,566	JANSEN, ROLF	
Examiner	Art Unit	
Tung Vo	2621	

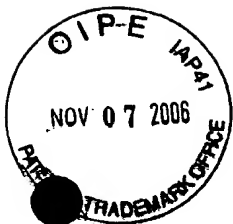
The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Appeal Brief filed on 09/08/06 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):


Tung Vo
Primary Examiner
Art Unit: 2621



The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

Paper No. 21

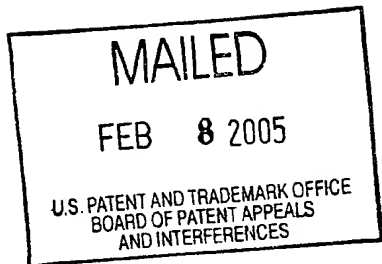
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROLF JANSEN

Appeal No. 2005-0378
Application No. 09/232,566

ON BRIEF



Before MCQUADE, NASE and BAHR, Administrative Patent Judges.
MCQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Rolf Jansen originally took this appeal from the final rejection (Paper No. 6) of claims 3 and 4, the only claims pending in the application. Upon consideration of the appellant's main brief (Paper No. 9), the examiner issued an Office action (Paper No. 12) reopening prosecution and entering superseding rejections of the claims. Pursuant to 37 CFR § 1.193(b)(2)(ii), the appellant then filed a supplemental brief (Paper No. 16) and requested that the appeal be reinstated.

Implicitly granting the request, the examiner entered an answer (Paper No. 17) and forwarded the application to this Board for review of the new rejections of claims 3 and 4.

THE INVENTION

The invention relates to a system that enables the driver of a tractor/trailer rig to see the area behind the trailer from the cab of the tractor when backing the rig. Claims 3 and 4 read as follows:

3. An assembly of a camcorder-type liquid crystal display monitor, comprising means for mounting said assembly to the inner retracted side of a driver's sunvisor of a motor vehicle,

whereby said sunvisor, when lowered, allows a driver easy, direct, close-range, sunlight-protected viewing of said monitor screen, as if the screen were a rear-view mirror, when used in conjunction with a video camera, to see to the rear when the unaided view is obstructed.

4. An assembly of a micro-video, pin-holed lens camera, comprising means for mounting said assembly on the reverse side of a plate, such as a license plate, at the rear of a trailer or motor vehicle, so that said camera can see through a predetermined-sized hole put in said plate,

whereby said plate-mounted assembly conceals said pin-holed lens camera to lessen the risk of vandalism,

whereby said camera is located in the ideal position at the rear of a trailer or motor vehicle for viewing a backing, when used in conjunction with a monitor.

THE PRIOR ART

The references relied on by the examiner as evidence of obviousness are:

Abersfelder et al. (Abersfelder)	5,646,614	Jul. 08, 1997
Aviv	5,666,157	Sep. 09, 1997
Asakawa et al. (Asakawa)	5,892,598	Apr. 06, 1999
Frankhouse et al. (Frankhouse)	5,940,120	Aug. 17, 1999

THE REJECTIONS

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Frankhouse in view of Asakawa.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Abersfelder in view of Aviv.

Attention is directed to the briefs and answer for the respective positions of the appellant and examiner regarding the merits of these rejections.

DISCUSSION

I. The 35 U.S.C. § 103(a) rejection of claim 3 as being unpatentable over Frankhouse in view of Asakawa

Frankhouse discloses "a vanity console for use in a vehicle and one which provides an illuminated vanity mirror and/or video

imaging" (column 1, lines 4 through 6). With regard to the video imaging aspect of the console, Frankhouse teaches that

positioned centrally behind the mirror is a video image source, such as an LCD display, which is supplied with video information from a variety of sources such as vehicle mounted cameras such that the vanity console can serve the additional function of video imaging. . . . [T]he system may include cameras directed forwardly and/or rearwardly of the vehicle for providing rear visibility for parking, internal rear visibility for conversation with rear seat passengers or forward visibility utilizing an enhanced light amplification camera for providing video images under low ambient light conditions [column 1, line 59, through column 2, line 5].

As shown in Figure 9, the vehicle may include a rear vision camera 96 mounted at the back of the vehicle, preferably in the rear bumper area. This camera communicates with a display monitor 90 housed in the console to show objects behind the vehicle (see column 5, lines 36 through 58).

Of particular interest in this appeal is the location of the console/monitor. Frankhouse describes a number of convenient locations in which the console can be placed (see column 3, lines 26 through 35), but makes clear that the console should not be mounted on a sunvisor as this would limit desirable vanity characteristics of the console, interfere with the use of the sunvisor and block the driver's view of the roadway (see column 1, lines 7 through 38).

The examiner concedes that Frankhouse does not respond to the limitation in claim 3 requiring "means for mounting said assembly to the inner retracted side of a driver's sunvisor of a motor vehicle." To account for this difference, the examiner cites Asakawa.

Asakawa discloses a head up display unit (HUD) "which can be used in any place in the interior of an automobile" (Abstract). As a practical matter, the HUD, which has a thin transparent construction, is placed on or in the vicinity of the windshield to allow it to superimpose information on the forward scene viewed by the driver. In the embodiment shown in Figure 2, the HUD 1' "is attached like a sunvisor and is pulled down forward of the driver's seat as needed" (column 9, lines 15 and 16).

In proposing to combine Frankhouse and Asakawa to reject claim 3, the examiner submits that it would have been obvious at the time the invention was made to a person having ordinary skill in the art "to modify the teachings of Asakawa into the housing (24) of the vanity console of Frankhouse for the same purpose of mounting the LCD on the sunvi[s]or so that the driver easily views the captured video image during backing up the car without turning the driver's head" (answer, page 4).

Frankhouse, however, expressly teaches away from mounting the console on a sunvisor. Moreover, and contrary to a finding made by the examiner (see page 4 in the answer), Asakawa does not specifically teach mounting the HUD on a sunvisor. In the embodiment 1' relied on by the examiner in this regard, the HUD is merely attached "like a sunvisor," but is not ostensibly mounted on one. In this light, it is evident that the only suggestion to combine Frankhouse and Asakawa in the manner proposed by the examiner to reject claim 3 stems from hindsight knowledge impermissibly derived from the appellant's disclosure.

Accordingly, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of claim 3 as being unpatentable over Frankhouse in view of Asakawa.

II. The 35 U.S.C. § 103(a) rejection of claim 4 as being unpatentable over Abersfelder in view of Aviv

Abersfelder discloses a system for effectively monitoring potential parking spaces from a motor vehicle:

[t]hese needs are met according the present invention by a system having a video camera built into either the front or rear of the vehicle and a viewing and monitoring device in the field of view of the vehicle driver connected to the camera. The field of view is fitted with a display screen. The video camera is equipped with means for its pivoting (turn and tilt) as a function of electric drive signals and is of the type having object referenced image sharpness control of its optics [column 1, lines 38 through 46].

Abersfelder's Figures 1 and 2 schematically illustrate the video camera 11 built into the rear 12 of a vehicle 10 and the viewing and monitoring device 15 located so as to be within the visual range of the vehicle driver.

The examiner acknowledges that Abersfelder does not respond to the limitation in claim 4 requiring "means for mounting said assembly on the reverse side of a plate, such as a license plate, at the rear of a trailer or motor vehicle, so that said camera can see through a predetermined-sized hole put in said plate." Nonetheless, the examiner finds and concludes that

it is well established that one skilled in the art would have [found it] obvious to mount the camera anywhere on the car, particularly on the reverse side of a license plate at the rear of the vehicle, and the camera can see through a predetermined-sized hole put in the license plate [for] a rear view when the vehicle is backing [answer, page 4].

The examiner, however, has failed to advance the requisite factual basis necessary to support such a finding/conclusion. This fundamental flaw in the examiner's evidentiary showing finds no cure in the citation of the Aviv patent for its disclosure of a hidden surveillance camera having a pin hole lens (see column 9, lines 54 through 65).

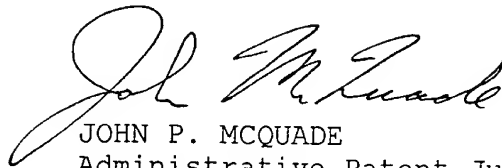
Hence, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of claim 4 as being unpatentable over Abersfelder in view of Aviv.

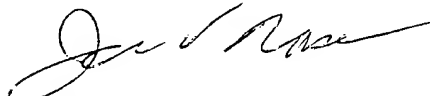
Appeal No. 2005-0378
Application No. 09/232,566

SUMMARY

The decision of the examiner to reject claims 3 and 4 is reversed.

REVERSED


JOHN P. MCQUADE
Administrative Patent Judge


JEFFREY V. NASE
Administrative Patent Judge


JENNIFER D. BAHR
Administrative Patent Judge

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) BOARD OF PATENT
) APPEALS
) AND
) INTERFERENCES
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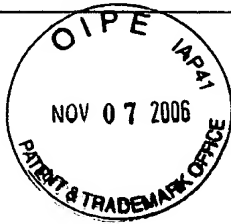
JPM/gjh

Appeal No. 2005-0378
Application No. 09/232,566

ROLF JANSEN
P.O. BOX 73161
HOUSTON, TX 77273



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

ROLF JANSEN
P O BOX 73161
HOUSTON TX 77273

In re Application of :
Rolf Jansen :
Application No. 09/232,566 :
Filed: January 15, 1999 :
For: **TRACTOR/TRAILER BACK UP KIT** :

MAIL

Paper No. 18

SEP 27 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION

This is a decision on the Petition to Make Special filed August 30, 2001 under MPEP §708.02 (IV), applicant's age and also a decision on the Petition to the Director pursuant to 37 CFR§ 1.181, filed October 12, 2001.

A petition to make special under MPEP §708.02, IV, must show that petitioner is 65 years of age, or more. Acceptable evidence includes a birth certificate, copy of a driver's license, or simply a statement by the applicant. No fee is required.

The petition includes a declaration executed by Rolf Jansen in support of the petition, evidencing that he is over 65 years of age.

Accordingly, the petition to make special is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

Regarding applicant's petition to the Director, the petition is to "...complain of unfair conduct of the examiner, with respect to the format of the appellant's brief". Specifically, petitioner requests that the "Commissioner of Patents and Trademarks overrule and rescind the examiner's order of September 20, 2001 holding the Brief non-compliant.

A review of the application reveals that the U.S. Patent and Trademark Office (Office) mailed a final Office action on January 29, 2001. Applicant filed a request for two month extension of time on April 24, 2001 and then filed on June 28, 2001, via certificate of mailing, a Notice of Appeal. On August 30, 2001 applicant timely filed the brief in question as well as the petition to make special as addressed above. On September 20, 2001, the Office mailed out a Notice of Non-Compliance for failure to comply with numerous sections of 37 CFR §1.192(c). On October 12, 2001, applicant filed the subject petition and a request for a one month extension of time (paying for three months) to respond to the Notice of Non-Compliance. On December 12, 2001 (11/20/01 with certificate of mailing) applicant filed for another one month extension of time to respond to the Notice of Non-Compliance. This should have been a request for two month extension with first month previously paid. Instead, applicant paid for four months extension of time. On January 16, 2002 (12/19/01 with certificate of mailing) applicant filed a request for a third one month extension of time to respond to the outstanding Notice of Non-Compliance. This should have been a request for three month extension of time with the first two months having been previously paid for. Instead, applicant paid for five months extension of time. On January 31, 2002 the Office mailed a new non-final Office action, essentially reopening prosecution. Unfortunately, a statement to that effect is not noted in the new Office

communication. On February 22, 2002 (1/19/02 certificate of mailing) applicant filed a petition pursuant to 37 CFR §1.182 requesting grant of extension of time until the 37 CFR §1.181 petition is decided, stating that "...applicant has mailed all the payments to the PTO for extensions of time to respond to the examiner's action of 9/20/01, that are allowable". On June 3, 2002 (5/30/02 certificate of mailing), applicant filed a one month extension of time, a request for reinstatement of the appeal and a supplemental appeal brief. On August 16, 2002, the examiner prepared and mailed an answer to appellant's brief.

MPEP §1206 Appeal Brief, states in part:

APPEAL BRIEF CONTENT...

An exception to the requirement that all the items specified in 37 CFR 1.192(c) be included in the brief is made if the application or reexamination proceeding is being prosecuted by the appellant pro se, i.e., there is no attorney or agent of record, and the brief was neither prepared nor signed by a registered attorney or agent. The brief of a pro se appellant which does not contain all of the items, (1) to (9), specified in 37 CFR 1.192(c) will be accepted as long as it substantially complies with the requirements of items (1), (2), and (8). If the brief of a pro se appellant is accepted, it will be presumed that all the claims of a rejected group of claims stand or fall together unless an argument is included in the brief that presents reasons as to why the appellant considers one or more of the claims in the rejected group to be separately patentable from the other claims in the group. [emphasis added]

37 CFR §1.192 Appellant's brief, states in part:...

(c) The brief shall contain the following items under appropriate headings and in the order indicated below unless the brief is filed by an applicant who is not represented by a registered practitioner:

- (1) Real party in interest. A statement identifying the real party in interest, if the party named in the caption of the brief is not the real party in interest.
- (2) Related appeals and interferences. A statement identifying by number and filing date all other appeals or interferences known to appellant, the appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal...

(8) Argument. The contentions of appellant with respect to each of the issues presented for review in paragraph (c)(6) of this section, and the basis therefor, with citations of the authorities, statutes, and parts of the record relied on. Each issue should be treated under a separate heading.

(i) For each rejection under 35 U.S.C. 112, first paragraph, the argument shall specify the errors in the rejection and how the first paragraph of 35 U.S.C. 112 is complied with, including, as appropriate, how the specification and drawings, if any,

(A) Describe the subject matter defined by each of the rejected claims,

(B) Enable any person skilled in the art to make and use the subject matter defined by each of the rejected claims, and

(C) Set forth the best mode contemplated by the inventor of carrying out his or her invention.

(ii) For each rejection under 35 U.S.C. 112, second paragraph, the argument shall specify the errors in the rejection and how the claims particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(iii) For each rejection under 35 U.S.C. 102, the argument shall specify the errors in the rejection and why the rejected claims are patentable under 35 U.S.C. 102, including any specific limitations in the rejected claims which are not described in the prior art relied upon in the rejection.

(iv) For each rejection under 35 U.S.C. 103, the argument shall specify the errors in the rejection and, if appropriate, the specific limitations in the rejected claims which are not described in the prior art relied on in the rejection, and shall explain how such limitations render the claimed subject matter unobvious over the prior art. If the rejection is based upon a combination of references, the argument shall explain why the references, taken as a whole, do not suggest the claimed subject matter, and shall include, as may be appropriate, an explanation of why features disclosed in one reference may not properly be combined with features disclosed in another reference. A general argument that all the limitations are not described in a single reference does not satisfy the requirements of this paragraph.

(v) For any rejection other than those referred to in paragraphs (c)(8)(i) to (iv) of this section, the argument shall specify the errors in the rejection and the specific limitations in the rejected claims, if appropriate, or other reasons, which cause the rejection to be in error.

The appellant's brief of August 30, 2001 substantially meets the requirement of 37 CFR §1.192(c)(1,2 and 8) as defined by MPEP 1206 concerning Pro Se appellants. Specifically, the appellant states that they are a pro-se appellant, that appellant was not represented by a registered practitioner and that this was the first appeal brief they had ever written (taken as satisfying the requirement of 37 CFR §1.192 (c)(2)), and the brief contained presentation of arguments to each of the issues presented in the Office action.

Consequently, the Notice of Non-Compliance mailed September 20, 2001, requiring the pro-se appellant to comply with all of the requirements of 37 CFR §1.192(c), was improper.

Therefore, appellant's brief should have been considered by the Office. Given that prosecution was re-opened in view of a new grounds of rejection on January 31, 2002, the Office's Non-Compliant Notice is vacated.

Accordingly, petitioner's request that the "examiner's order of September 20, 2001" be rescinded, is **Dismissed as Moot**.

It is noted that the pro-se appellant's supplemental appeal brief has been considered as having met the requirements of 37 CFR §1.192 and has been treated in the Examiner's Answer mailed August 26, 2002.

The application will be forwarded to the Office of Patent Legal Administration (OPLA) to address applicant's 37 CFR 1.182 petition regarding fees paid and request for extensions of time. From there, the application will be forwarded to the Board of Patent Appeals and Interferences for decision of the appeal.

Revised Brief For
Mark Powell, Director
Technology Center 2600
Communications



In the United States Patent and Trademark Office

Appeal No: 2005-0378
Serial No: 09/232,566
Confirm No: 1686
Appn Filed: 01/15/99
Applicant: Rolf Jansen
Appn Title: Tractor/Trailer Back-up Kit
Examiner/GAU: Tung Vo/2613

Mailed: 10/26/06
At: Houston, Texas

SUBMITTAL OF PETITION TO WITHDRAW AN APPLICATION FROM ISSUE
TO: Director, Technology Center 2600

Sir:

The appellant, Rolf Jansen, pro se, files the attached Petition To Withdraw An Application From Issue, in accordance with 37 CFR Sect 1.313(a), in response to the Notice Of Allowance And Fee(s) Due, 6 pages, mailed 09/15/2006. Appellant has not paid the utility issue fee. Check for \$130.00, the fee for filing this Petition, is enclosed.

Very respectfully,

Rolf Jansen
Rolf Jansen, appellant, pro se
P.O. Box 73161
Houston, TX 77273-3161
281-440-6907

Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 10/26/06 Rolf Jansen
Rolf Jansen, appellant, pro se

Manual of PATENT EXAMINING PROCEDURE



Original Eighth Edition, August 2001
Latest Revision May 2004



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U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

are not directly functionally related, do not directly intercooperate, and/or serve independent purposes.).<

2173 Claims Must Particularly Point Out and Distinctly Claim the Invention

The primary purpose of this requirement of definiteness of claim language is to ensure that the scope of the claims is clear so the public is informed of the boundaries of what constitutes infringement of the patent. A secondary purpose is to provide a clear measure of what applicants regard as the invention so that it can be determined whether the claimed invention meets all the criteria for patentability and whether the specification meets the criteria of 35 U.S.C. 112, first paragraph with respect to the claimed invention.

2173.01 Claim Terminology [R-2]

A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as **>any special meaning assigned to a term is clearly set forth in the specification. See MPEP § 2111.01.< Applicant may use functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought. As noted by the court in *In re Swinehart*, 439 F.2d 210, 160 USPQ 226 (CCPA 1971), a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought.

2173.02 Clarity and Precision [R-1]

The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. Some latitude in the manner

of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.

The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

(A) The content of the particular application disclosure;

(B) The teachings of the prior art; and

(C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, >by providing clear warning to others as to what constitutes infringement of the patent<. See, e.g., *Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 1379, 55 USPQ2d 1279, 1283 (Fed. Cir. 2000). See also *In re Larsen*, No. 01-1092 (Fed. Cir. May 9, 2001) (unpublished) (The preamble of the *Larsen* claim recited only a hanger and a loop but the body of the claim positively recited a linear member. The court observed that the totality of all the limitations of the claim and their interaction with each other must be considered to ascertain the inventor's contribution to the art. Upon review of the claim in its entirety, the court concluded that the claim at issue apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112 paragraph 2.).

>If the language of the claim is such that a person of ordinary skill in the art could not interpret the metes and bounds of the claim so as to understand how to avoid infringement, a rejection of the claim under 35 U.S.C. 112, second paragraph, would be appropriate. See *Morton Int'l, Inc. v. Cardinal Chem. Co.*, 5 F.3d 1464, 1470, 28 USPQ2d 1190, 1195 (Fed.

Cir. 1993). However, if the language used by applicant satisfies the statutory requirements of 35 U.S.C. 112, second paragraph, but the examiner merely wants the applicant to improve the clarity or precision of the language used, the claim must not be rejected under 35 U.S.C. 112, second paragraph, rather, the examiner should suggest improved language to the applicant.

For example, a claim recites "a suitable liquid such as the filtrate of the contaminated liquid to be filtered and solids of a filtering agent such as perlite, cellulose powder, etc." The mere use of the phrase "such as" in the claim does not by itself render the claim indefinite. Office policy is not to employ per se rules to make technical rejections. Examples of claim language which have been held to be indefinite set forth in MPEP § 2173.05(d) are fact specific and should not be applied as per se rules. The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). If one skilled in the art is able to ascertain in the example above, the meaning of the terms "suitable liquid" and "solids of a filtering agent" in light of the specification, 35 U.S.C. 112, second paragraph, is satisfied. If upon review of the claim as a whole in light of the specification, the examiner determines that a rejection under 35 U.S.C. 112, second paragraph, is not appropriate in the above-noted example, but is of the opinion that the clarity and the precision of the language can be improved by the deletion of the phrase "such as" in the claim, the examiner may make such a suggestion to the applicant. If applicant does not accept the examiner's suggestion, the examiner should not pursue the issue.

If upon review of a claim in its entirety, the examiner concludes that a rejection under 35 U.S.C. 112, second paragraph, is appropriate, such a rejection should be made and an analysis as to why the phrase(s) used in the claim is "vague and indefinite" should be included in the Office action. If applicants traverse the rejection, with or without the submission of an amendment, and the examiner considers applicant's arguments to be persuasive, the examiner should indicate in the next Office communication that

the previous rejection under 35 U.S.C. 112, second paragraph, has been withdrawn and provide an explanation as to what prompted the change in the examiner's position (e.g., examiners may make specific reference to portions of applicant's remarks that were considered to be the basis as to why the previous rejection was withdrawn).

By providing an explanation as to the action taken, the examiner will enhance the clarity of the prosecution history record. As noted by the Supreme Court in *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722, 122 S.Ct. 1831, 1838, 62 USPQ2d 1705, 1710 (2002), a clear and complete prosecution file record is important in that "[p]rosecution history estoppel requires that the claims of a patent be interpreted in light of the proceedings in the PTO during the application process." In *Festo*, the court held that "a narrowing amendment made to satisfy any requirement of the Patent Act may give rise to an estoppel." With respect to amendments made to comply with the requirements of 35 U.S.C. 112, the court stated that "[i]f a § 112 amendment is truly cosmetic, then it would not narrow the patent's scope or raise an estoppel. On the other hand, if a § 112 amendment is necessary and narrows the patent's scope—even if only for the purpose of better description—estoppel may apply." *Id.*, at 1840, 62 USPQ2d at 1712. The court further stated that "when the court is unable to determine the purpose underlying a narrowing amendment—and hence a rationale for limiting the estoppel to the surrender of particular equivalents—the court should presume that the patentee surrendered all subject matter between the broader and the narrower language...the patentee should bear the burden of showing that the amendment does not surrender the particular equivalent in question." *Id.*, at 1842, 62 USPQ2d at 1713. Thus, whenever possible, the examiner should make the record clear by providing explicit reasoning for making or withdrawing any rejection related to 35 U.S.C. 112, second paragraph.

2173.03 Inconsistency Between Claim *>and< Specification Disclosure or Prior Art [R-1]

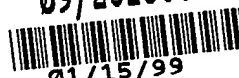
Although the terms of a claim may appear to be definite, inconsistency with the specification disclosure or prior art teachings may make an otherwise definite claim take on an unreasonable degree of

The following received today:

Patent Application for Rolf Jansen for
"Tractor/Trailer Back-up Kit", consisting of
39 sheets specification, claims, and
abstract, declaration signed 1999 Jan.15,
5 sheets formal drawing, small entity declar-
ations (2 of them), and check nr. 978 for
\$395.00:

JC530 U.S. PTO

09/232566



01/15/99

In the United States Patent and Trademark Office

Mailed 199 9, Jan 15

Box Patent Application
Assistant Commissioner for Patents
Washington, District of Columbia 20231

Fee Transmittal

First-Named Applicant Rolf Jansen
Title of Invention: "Tractor/Trailer Back-up Kit"
Total Payment Enclosed (From Calculation Below): \$ 395.00 ☒ Check ☐ Money Order

Sir:

Enclosed is the following small entity filing fee for the above patent application:

Fee Code	Fee Description	Fee (\$)
214	Provisional Pat. Appn. Filing Fee	
201	Basic Utility Appn. Filing Fee	<u>395.00</u>
206	Basic Design Appn. Filing Fee	
	Subtotal (1)	<u>395.00</u>
203	Total Claims: _____ - 20 = _____; X _____ (fee for each claim over 20) =	<u>N/A</u>
202	Tot. Indep. Claims _____ - 3 = _____; X _____ (fee for each indep. claim over 3) =	<u>N/A</u>
	Subtotal (2)	<u> </u>
Total Payment Enclosed [Sum of Subtotals (1) and (2)]		<u>395.00</u>

Very respectfully,

Rolf Jansen
Signature of First-Named Applicant

Rolf Jansen
Print Name of First-Named Applicant

P. O. Box 73161
Address

Houston, TX 77273



Patent Application of

Rolf Jansen

for

TRACTOR/TRAILER BACK-UP KIT

Background - Field of Invention

This invention relates to closed-circuit television, specifically to an improved means, when backing, for a driver of a tractor/trialer rig, or other motor vehicle, to see what is to the rear when the unaided view is obstructed.

Background - Cross-Reference to Related Application

This application claims the benefit of Provisional Patent Application Ser.# 60/071,830, filed January 20, 1998.

Background - Description of Prior Art

I was an adjuster for an independent claims service that specialized in on-the-scene accident investigations for motor freight lines that were self-insured; and the most common accident occurred when a tractor/trailer rig was being backed.

When the trailer is the rectangular-box type, the driver can

Conclusion, Ramifications, and Scope of Invention

My two improvements of a closed circuit television system applicable to a motor-freight tractor/trailer rig, or a motor vehicle, to see to the rear when the unaided view is obstructed, are:

1. A sunvisor-mounted case, with a window, for cradling a camcorder-type LCD monitor, to provide protection for the monitor from heat, cold, vibrations, and bright sunlight, to allow a driver easy, direct, close-range, sunlight-protected viewing of the monitor screen, as if the screen were a rear view mirror, while backing up a motor vehicle, or a tractor with attached trailer.

2. A weather-proofed enclosure for mounting on the reverse side of a plate, such as a license plate, located at the rear of a motor vehicle, or trailer, to protect a micro-video, pin-holed lens camera.

These two improvements together meet a long-felt but unsolved need in the trucking industry, namely, solving the problem of "backing blind", thereby (1) avoiding costly accidents, (2) increasing efficiency of making deliveries and pickups, thus, increasing profits, (3) increasing morale of drivers, and (4) making the training of new drivers easier.

While my above description contains many specificities, these should not be construed as limitations on the scope of the invention, but rather as an exemplification of one preferred

embodiment thereof. Many other variations are possible. For example:

A case is a form of covering. A covering could be fixed to the outside of the monitor itself.

The case or covering could be made of a variety of materials that provide insulation.

Means for mounting the case to the sunvisor can vary, e.g., the shape, size, and material of the clip or clasp can vary; the clip or clasp could be attached by an adhesive backing.

The rear plate, to which the enclosure for the micro-video, pin-holed lens camera is mounted, need not be a license plate but could be a plate with a company logo on it, or with a phrase on it, such as Drive Safely.

The means for mounting the enclosure on the back side of the plate can vary, e.g., by using machine screws, and washers, rather than epoxy glue, as long as weather-proof integrity of the enclosure was maintained. (I chose to epoxy glue the enclosure to the plate so no screw heads and washers would show on the front side of the plate, to add to concealment.)

The pane that attaches to the front face of the enclosure could be made of another material besides LEXAN XL. The dimensions of the pane could vary.

Also the dimensions, material, and color of the enclosure could vary.

Accordingly, the scope of the invention should be determined not by the embodiment(s) illustrated, but by the appended claims and their legal equivalents.

manufactured by Pioneer, Seoul, South Korea.

A typical micro-video, pin-holed lens camera is commercially available as a circuit board, having dimensions of 1.5" x 1.5" x .75" in depth, and weighing 1 oz. The image is B & W. The minimum illumination is 0.5 LUX, F1.8. It has a field of view of 90 degrees. Power consumption is DC 8-15V, 150 mA. Resolution is 380 TV lines.

Putting such a small circuit board camera in an enclosure is essential. PacTec, of Concordville, PA, sells a suitable heavy-duty, plastic enclosure. The outer dimensions are 2-3/8" x 2-1/4" x 1". A hole is cut in the front of the enclosure to fit the 5/8" metal housing of the pin hole lens. A second hole is cut into the enclosure as an exit for the power and video cables that attach to the circuit board. A stress-relief device is inserted in this hole to protect the cables and ensure a weather-proofed exit.

My idea is to mount this enclosure, with the micro-video, pin-holed lens camera inside, to the the reverse side of a plate, such as a license plate, located at the back of a box trailer, just beneath the bed of the trailer, in perfect position for the micro-video, pin-holed lens camera to view a backing to a loading dock. A predetermined-sized hole would be put in the plate, so the pin-holed lens could see through.

The result is concealment of the video camera at the most advantageous heighth off the ground.

It is customary to surround the circuit board with an insulating material.

of the front face of the enclosure also should be coated with epoxy, being very careful that there are no gaps, in order to ensure a weather-proof seal.

When the pane-protected enclosure is ready to mount on the back side of a plate, such as a license plate, that has the appropriate hole drilled in it, care must be taken to center the pin hole lens in the center of the hole in the plate, to allow maximum view of view; and care must be taken to epoxy glue securely the glass-like front surface of the enclosure to the back of the metal plate.

Ideally, the plate should be mounted in the middle at the rear of the motor vehicle, or trailer, which is the place where the plate, such as license plate, is most commonly mounted. On a motor-freight trailer, the license plate is mounted just under the bed of the trailer, at the rear. Here it is protected from rain and direct sunlight. Also, its ordinary placement will not alert potential vandals that there is anything unusual, or special, about the plate.

Next is to provide a power supply to the micro-video, pin-holed lens camera:

The power cable lead exiting the top of the enclosure is spliced to a two-conductor cable, of 18 gauge stranded conductors, color coded red and black for easy hookup.

A tap-in connection is made to the back-up light, either left or right.

The positive wire of the power supply for the back-up light is usually purple in color. The owner's handbook for the

(d) The time periods set forth in paragraphs (a)(1) through (a)(3) of this section are extendable under the provisions of § 1.136 of this title for patent applications and § 1.550(c) of this title for *ex parte* reexamination proceedings.

§ 41.33 Amendments and affidavits or other evidence after appeal.

(a) Amendments filed after the date of filing an appeal pursuant to § 41.31(a)(1) through (a)(3) and prior to the date a brief is filed pursuant to § 41.37 may be admitted as provided in § 1.116 of this title.

(b) Amendments filed on or after the date of filing a brief pursuant to § 41.37 may be admitted:

(1) To cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding, or

(2) To rewrite dependent claims into independent form.

(c) All other amendments filed after the date of filing an appeal pursuant to § 41.31(a)(1) through (a)(3) will not be admitted except as permitted by §§ 41.39(b)(1), 41.50(a)(2)(i), 41.50(b)(1) and 41.50(c).

(d)(1) An affidavit or other evidence filed after the date of filing an appeal pursuant to § 41.31(a)(1) through (a)(3) and prior to the date of filing a brief pursuant to § 41.37 may be admitted if the examiner determines that the affidavit or other evidence overcomes all rejections under appeal and that a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented has been made.

(2) All other affidavits or other evidence filed after the date of filing an appeal pursuant to § 41.31(a)(1) through (a)(3) will not be admitted except as permitted by §§ 41.39(b)(1), 41.50(a)(2)(i) and 41.50(b)(1).

§ 41.35 Jurisdiction over appeal.

(a) Jurisdiction over the proceeding passes to the Board upon transmittal of the file, including all briefs and examiner's answers, to the Board.

(b) If, after receipt and review of the proceeding, the Board determines that the file is not complete or is not in compliance with the requirements of this subpart, the Board may relinquish

jurisdiction to the examiner or take other appropriate action to permit completion of the file.

(c) Prior to the entry of a decision on the appeal by the Board, the Director may sua sponte order the proceeding remanded to the examiner.

§ 41.37 Appeal brief.

(a)(1) Appellant must file a brief under this section within two months from the date of filing the notice of appeal under § 41.31.

(2) The brief must be accompanied by the fee set forth in § 41.20(b)(2).

(b) On failure to file the brief, accompanied by the requisite fee, within the period specified in paragraph (a) of this section, the appeal will stand dismissed.

(c)(1) The brief shall contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of this section, except that a brief filed by an appellant who is not represented by a registered practitioner need only substantially comply with paragraphs (c)(1)(i) through (c)(1)(iv) and (c)(1)(vii) through (c)(1)(x) of this section:

(i) *Real party in interest.* A statement identifying by name the real party in interest.

(ii) *Related appeals and interferences.* A statement identifying by application, patent, appeal or interference number all other prior and pending appeals, interferences or judicial proceedings known to appellant, the appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. Copies of any decisions rendered by a court or the Board in any proceeding identified under this paragraph must be included in an appendix as required by paragraph (c)(1)(x) of this section.

(iii) *Status of claims.* A statement of the status of all the claims in the proceeding (*e.g.*, rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of those claims that are being appealed.

(iv) *Status of amendments.* A statement of the status of any amendment filed subsequent to final rejection.

(v) *Summary of claimed subject matter.*

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

(vi) *Grounds of rejection to be reviewed on appeal.* A concise statement of each ground of rejection presented for review.

(vii) *Argument.* The contentions of appellant with respect to each ground of rejection presented for review in paragraph (c)(1)(vi) of this section, and the basis therefor, with citations of the statutes, regulations, authorities, and parts of the record relied on. Any arguments or authorities not included in the brief or a reply brief filed pursuant to §41.41 will be refused consideration by the Board, unless good cause is shown. Each ground of rejection must be treated under a separate heading. For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately. Any claim argued separately should be placed under a

subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number. A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim.

(viii) *Claims appendix.* An appendix containing a copy of the claims involved in the appeal.

(ix) *Evidence appendix.* An appendix containing copies of any evidence submitted pursuant to §§1.130, 1.131, or 1.132 of this title or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See §41.33 for treatment of evidence submitted after appeal. This appendix may also include copies of the evidence relied upon by the examiner as to grounds of rejection to be reviewed on appeal.

(x) *Related proceedings appendix.* An appendix containing copies of decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of this section.

(2) A brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence. See §1.116 of this title for amendments, affidavits or other evidence filed after final action but before or on the same date of filing an appeal and §41.33 for amendments, affidavits or other evidence filed after the date of filing the appeal.

(d) If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and given a time period within which to file an amended brief. If appellant does not file an amended brief within the set time period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.

(e) The time periods set forth in this section are extendable under the provisions of §1.136 of this title for patent applications and §1.550(c) of this title for *ex parte* reexamination proceedings.

§41.39 Examiner's answer.

(a)(1) The primary examiner may, within such time as may be directed by the Director, furnish a written answer to the appeal brief including such explanation of the invention claimed and of the references relied upon and grounds of rejection as may be necessary, supplying a copy to appellant. If the primary examiner determines that the appeal does not comply with the provisions of §§41.31 and 41.37 or does not relate to an appealable action, the primary examiner shall make such determination of record.

(2) An examiner's answer may include a new ground of rejection.

(b) If an examiner's answer contains a rejection designated as a new ground of rejection, appellant must within two months from the date of the examiner's answer exercise one of the following two options to avoid sua sponte dismissal of the appeal as to the claims subject to the new ground of rejection:

(1) *Reopen prosecution.* Request that prosecution be reopened before the primary examiner by filing a reply under §1.111 of this title with or without amendment or submission of affidavits (§§1.130, 1.131 or 1.132 of this title) or other evidence. Any amendment or submission of affidavits or other evidence must be relevant to the new ground of rejection. A request that complies with this paragraph will be entered and the application or the patent under *ex parte* reexamination will be reconsidered by the examiner under the provisions of §1.112 of this title. Any request that prosecution be reopened under this paragraph will be treated as a request to withdraw the appeal.

(2) *Maintain appeal.* Request that the appeal be maintained by filing a reply brief as set forth in §41.41. Such a reply brief must address each new ground of rejection as set forth in §41.37(c)(1)(vii) and should follow the other requirements of a brief as set forth in §41.37(c). A reply brief may not be accompanied by any amendment, affidavit (§§1.130, 1.131 or 1.132 of this title) or other evidence. If a reply brief filed pursuant to this section is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened

before the primary examiner under paragraph (b)(1) of this section.

(c) Extensions of time under §1.136(a) of this title for patent applications are not applicable to the time period set forth in this section. See §1.136(b) of this title for extensions of time to reply for patent applications and §1.550(c) of this title for extensions of time to reply for *ex parte* reexamination proceedings.

§41.41 Reply brief.

(a)(1) Appellant may file a reply brief to an examiner's answer within two months from the date of the examiner's answer.

(2) A reply brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence. See §1.116 of this title for amendments, affidavits or other evidence filed after final action but before or on the same date of filing an appeal and §41.33 for amendments, affidavits or other evidence filed after the date of filing the appeal.

(b) A reply brief that is not in compliance with paragraph (a) of this section will not be considered. Appellant will be notified if a reply brief is not in compliance with paragraph (a) of this section.

(c) Extensions of time under §1.136(a) of this title for patent applications are not applicable to the time period set forth in this section. See §1.136(b) of this title for extensions of time to reply for patent applications and §1.550(c) of this title for extensions of time to reply for *ex parte* reexamination proceedings.

§41.43 Examiner's response to reply brief.

(a)(1) After receipt of a reply brief in compliance with §41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

(2) A supplemental examiner's answer responding to a reply brief may not include a new ground of rejection.

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In the United States Patent and Trademark Office

Appeal No: 2005-0378
Serial No: 09/232,566
Appn. Filed: 01/15/99
Applicant: Rolf Jansen
Appn. Title: Tractor/Trailer Back-up Kit
Examiner/GAU: Tung Vo/2613

Mailed: 9-3-05

At: Houston, Texas

REQUEST FOR REINSTATEMENT OF THE APPEAL

Sir:

Applicant/appellant, Rolf Jansen, pro se, requests reinstatement of his appeal to the Board of Patent Appeals and Interferences, in accordance with 37 CFR Sect 1.193(b)(2)(ii).

This request is appropriate for the following reason:

The Board issued a Decision On Appeal, mailed February 8, 2005, that stated: "The decision of the examiner to reject claims 3 and 4 is reversed."

However, on June 22, 2005, the examiner mailed a new Office Action that again rejected claims 3 and 4, after the Board of Patent Appeals and Interferences had decided the case.

Enclosed is Appellant's 2nd Supplemental Brief, in triplicate, for the purpose of replying to the examiner's Office Action. The appellant encloses herewith check for \$170.00, the small entity fee for filing a brief.

Petition to Make Special, for Reason IV-Applicant is over 65 years of age, was granted 11/27/04. He is now age 72.

Very respectfully,

Rolf Jansen
Rolf Jansen, appellant, pro se
P.O. Box 73161
Houston, Tx 77273-3161



Appn. No. 09/232,566 Request for Reinstatement of Appeal 2

Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to "Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 9-3-05

Rolf Jansen

Rolf Jansen, appellant, pro se
P.O. Box 73161
Houston, TX 77273-3161
281-440-6907

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